

A. STATE-AT-A-GLANCE

1) Program Operation	<p>The Office of Child Support Enforcement (OCSE) within the State Department of Social Services supervises and monitors the operation of the program, which is administered by the Child Support Enforcements Units of each of the state's 57 counties social services districts and by the City of New York's Office of Child Support Enforcement within the Administration for Children's Services.</p> <p>The Interstate Central Registry (ICR) within OCSE serves as the initial entry point for incoming interstate cases and carries out the responsibilities specified at 45 CFR 303.7(a). Upon successful completion of the review and evaluation procedure, the ICR updates the statewide Child Support Management System (CSMS), thereby initiating automated searches, forwards the case for action to the appropriate Family Court, and provides case documentation to the designated county Petitioners' Representative and the County Child Support Enforcement /New York City Borough Support Collection Services Unit.</p> <p>All case work is accomplished at the local level including direct contact with the initiating jurisdictions that may be required following ICR referral.</p> <p>In outgoing cases, the County/New York City child support agency interact directly with responding jurisdictions' central registry and child support enforcement programs.</p>
2) Number of Local Offices (excluding Agencies under Cooperative Agreements)	58
3) Type of Agencies with Cooperative Agreements	County Attorney, County Sheriff
4) Uniform Interstate Family Support Act	No
5) Agreements With Tribal Entities	No
6) Age of Majority for Termination of Support	21
7) Statutes of Limitation:	
• Collection of Past Due Support	20 years from date of default in payment regardless of whether or not past due has been reduced to judgment for support orders entered after 8-7-87; 6 years for default in payment on orders entered on or before 8-7-87; 20 years for all default in payment which has been granted as a money judgment
• Paternity Establishment	21

• Dormancy Revival/Renewal Possible [yes/no]	No
8) Guidelines	Income Sharing Formula: Combined parental gross income minus FICA and other deductions multiplied by appropriate percentage (17% one child - no less than 35% for five or more), plus additional needs at a pro rata share of income
9) Interest Rates on	
• Missed Payments	No*
• Retroactive Support	No*
• Adjudicated Arrearage	*If a money judgment granted for any arrearage 9% per year
10) Arrearage Collections for Non-minor Child(ren)	Yes, through all methods except federal tax refund offset (which is still available for ADC arrears)
11) Distribution Scheme	
• AFDC Arrears	Second , AFDC arrears owing up to amount of unreimbursed public assistance with any excess paid to non-AFDC arrears for amounts accrued prior to receipt of public assistance
• Non-AFDC Arrears	First , non-AFDC arrears accruing after AFDC case closes
12) Procedures Regarding Medical Support Using Income Withholding	No
13) New Hire Reporting	All new employees must be reported within 15 days of hire to the Department of Taxation and Finance; information contained on a W-4 must be included; multiple formats for reporting; penalties to employer for noncompliance
14) Recovery of Costs Elected Under State Plan	Yes; (legal representation , if requested); obligee
15) Recovery of Costs for Initiating State	No
16) Long-Arm Statute/s Citation/s	Family Court Act Section 154
17) Automated Locate Resources	Departments of Taxation and Finance; Motor Vehicles; Criminal Justice , and Labor
18) Enforcement Options	
• State Income Tax Refund Intercept	Yes
• License Revocation/	Yes: driver license suspension administrative or judicial processes based

Suspension	on four months of delinquency and no payment by income execution, and state issued business, professional and occupational licenses suspension determined by a judicial process only
• Administrative Liens	No
• Property Seizure & Sale	Yes; automated process whether or not arrears have been reduced to judgment
• State Funds/Benefits (please specify)	No
• Other (please specify)	Lottery intercept; credit reporting
19) Spousal Maintenance Orders <i>(specify yes or no)</i>	
• Establish	No
• Enforce	No, unless accompanied by child support order
• Modify	No
20) Current Spouse/Partner Information Required	No

B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1) State Code Citation	None
2) Effective Date	None
3) Adopted Verbatim? If no, list differences.	No
4) Repeal URESA?	No
5) Repeal IWW?	No

C. INCOME WITHHOLDING

1) Income Withholding Terminology	Income executions for support enforcement or income deduction orders for support enforcement
2) Income Withholding Procedures	Upon registration of an order or issuance of a new order or where no income execution is in place and a modified or adjusted order is made or at anytime a new employer is identified an income execution is systematically issued .
• State Withholding	CCPA limitations; however additional amount deduction for

Limits	arrears payments capped at 40% of disposable income
• Fee Charged by Employers	No
• Date to Remit	No later than the first pay period which occurs 14 days after service of the execution and thereafter no later than 10 days of the date the debtor is paid
• Penalty	Employers are liable for failure to deduct amounts specified for accrued deductions, interest, and reasonable attorneys fees
3) Definition of Employer	“Employer” means any employer, future employer, former employer, union or employees’ organization
4) Included Income	“Income” includes any earned, unearned, taxable or non-taxable income, workers’ compensation, disability benefits, unemployment insurance benefits, and federal social security benefits as defined in 42 U.S.C. section 662(f)(2) but excluding public assistance benefits paid pursuant to the social services law and federal supplemental security income
5) Excluded Income	Public assistance benefits paid pursuant to the social services law and federal supplemental security income
6) Direct Income Withholding for Unemployment Compensation, include address	Yes; automated process between NYS Office of Child Support and Department of Labor
7) Direct Income for Workers’ Compensation, include address	No
8) Direct Income Withholding, other income sources subject to, include address	No
9) Direct Income Withholding, list Other Income Sources NOT subject to	See above
10) Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11) Procedures for Contesting Income Withholding	Immediate income withholding, the agency shall have 30 days to correct an error after notification by the debtor; For default income withholding, debtor may raise a mistake of fact with the agency 15 days from notice of income execution whereupon the agency has 45 days thereafter to resolve claim and notice debtor of determination
12) Arrearages through Income Withholding	Yes
13) Enforcing Against Non-Resident Obligor Asset/Income	Yes
14) Exception to Immediate	Good cause determination by the court or, in Non-AFDC cases,

Withholding	where the parties agree in writing to an alternative payment arrangement
15) Multiple Obligations Withholding Priorities	
• Policy	In statute; Civil Practice Law and Rules Section 5241 (h); the employer shall withhold the maximum amount permitted by law and pay to each creditor that proportion of such amount which such creditor's claim bears to the combined total
• Priority	Child support deductions have priority over any other assignment, levy or process
• Assistance	
• Allocation	See Priority

D. PATERNITY

1) Interstate Paternity Procedures	A hearing is conducted whereupon the respondent may admit or deny paternity. If he admits an order of filiation is issued if he denies paternity tests are ordered matter adjourned for receipt of test results, judge decides issue either enters order of filiation or dismisses petition; orders may also be entered upon default after service
Consent Orders Obtained	Yes
2) Uniform Parentage Act	No
3) Uniform Act on Blood Testing	No
4) Parentage Order Available Without Order for Support	No
5) Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	Depend on where action for custody/visitation filed
6) Genetic Test Results as Presumption of Paternity	Creates a rebuttable presumption if probability of paternity is equal to or greater than 95%
Threshold	95% probability of paternity
7) Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	Conclusive presumption
8) Marriage as Presumption of Paternity	Yes; if married at or after time of birth
9) Putative Father's Name on Birth Certificate, Effect of	Does not establish paternity; may establish rights to inheritance

10) Other Statutory Presumptions	None
11) Recognition of Common Law Marriage	No
12) Personal Appearance of Witness or Custodial Parent Required	May be required discretion of court
Acceptable Methods of Testimony	Oral or written
13) Long-Arm Statute	Yes
14) Assistance to Other States Using Their Long-Arm Statutes	Yes
• Service of Process	May be either personal or substituted mail service including service by certified mail if signed for at respondent's correct street or signed for at post office
• Genetic Testing	DNA; HLA provided laboratory has been approved by the New York State Department of Health
15) Recovery of Genetic Testing Costs for Other States	May be recovered

E. SUPPORT ORDER ESTABLISHMENT

1) Interstate Procedures	A hearing is conducted whereupon the respondent may stipulate to an amount of support based on the guidelines or oppose in which case matter is adjourned for a hearing for hearing examiner to review facts and determine support amount
2) Income Considered for Setting Support	"Income" includes gross total income as should have been or should be reported on the most recent federal income tax return and may also include; investment income, benefits not included in total income, attributed income from sources available to the parent or former resources, and self employment deductions
3) Criteria for Rebuttal	10 factors including: financial resources of custodial and non-custodial parent and child, physical and emotional health of the child and child's special needs and aptitudes, standard of living child would have enjoyed if marriage or household had not dissolved, tax consequences to the parties, non-monetary contributions that the parents will make toward the care and well being of the child, educational needs of either parent, a determination that the gross income of one parent is substantially less than the other parent's income, extraordinary expenses incurred by the non-custodial parent in exercising visitation and any other factors the court deems relevant.
4) Support Order for Prior Periods	Orders are effective from either the date petition is filed or, in public assistance cases, the date public assistance was granted ; support may also be ordered retroactive to the birth of a child at court

	discretion
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F. ENFORCEMENT

(Note: If multiple orders, see Part “G”)

I. ENFORCING YOUR OWN ORDER

1)	Enforcement for Non-Resident Family	Yes; if support order payable to New York Child Support program
2)	Administrative Procedures and Remedies Available	Yes
3)	Judicial Procedures and Remedies Available with Registration	Yes; however no requirement for registration

II. ENFORCING OTHER STATES’ ORDERS

4)	Administrative Procedures and Remedies Available Without Registration	No
5)	Judicial/Administrative Remedies with Registration	All
6)	UIFSA/URES A Registration and Enforcement Procedure	URES A only; See I
7)	Judicial Procedures Required after Registration	None
8)	Uniform Enforcement of Foreign Judgments Act Citation	Civil Practice Law and Rules Articles 53 and 54

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1)	Jurisdiction Requirements	Orders issued by New York Courts but not registered orders
2)	Modification Procedures	File petition with court alleging change of circumstances
3)	Criteria for Modification	A significant and unforeseen change of circumstances with regard

	to various factors
4) Criteria for Change of Circumstances	See 3 above
5) Frequency With Which Reviews are Conducted	If AFDC, IV-E , MA-only once every three years ; if Non-AFDC once every three years upon request of either party
6) Criteria for Review	See 5 above
7) Criteria for Adjustment	If the calculated order amount is 10% greater than or less than the order subject to review or the order does not have provision for health care coverage

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1) Controlling Order	No specific provision
2) Date of Controlling Order	
3) If No Controlling Order	
4) Arrears Procedure	

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
Establishment of Paternity and Support	Child Support Enforcement Transmittal with Acknowledgment Page	3	B
	Certificate and Order	3	C
	General Testimony	3	B
	Paternity Affidavit	3	B
	Uniform Support Petition	3	B
	Interstate Statutes	1	E
	Birth Certificates	1	E
Enforcement of Responding State's Order	Child Support Enforcement Transmittal (send directly to lcal Responding Agency)	1	E
Modification of Responding States' Orders	Child Support Enforcement Transmittal	3	B
	Certificate and Order	3	C
	Uniform Petition	3	B
	General Testimony	3	B
	Interstate statutes	1	E
Administrative Enforcement of Another States' Order	Not available		
Registration for Enforcement of Another States' Order	Child Support Enforcement Transmittal with Acknowledgment Page	1	B
	Verified Statements for Registration	1	A

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation required for each docu- ment *See below
	Individually-certified copies of the court order, with all modifications) Interstate Statutes Arrears affidavit/calculation (recommended)	3 I I	C E B
Collection of Arrearages in Multiple Orders	Send Child Support Enforcement Transmittal directly to local Responding Agency	1	E
Uniform Enforcement of Foreign Judgments Act	Child Support Enforcement Transmittal with Acknowledgment Page Verified Statement for Registration Individually-certified copies of the judgment, with all previous court orders Interstate Statutes	3 1 3 1	B A C E
Modification of Another State's Order	Not available		
Status Update on an Existing Interstate Case	Send Child Support Enforcement Transmittal directly to local Responding Agency	1	E
Assistance/Discovery	Send Child Support Enforcement Transmittal directly to local Responding Agency	1	E
Quick Locate	CSENET (preferred method) or paper referral (Locate Data Sheet) to New York's Location Information Service	1	E

**A= Notarization by Notary Public; B= Certification by signature of agency official;
C= Certification by signature of court official; D= Others (please specify);
E= Certification not required*

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT
State Information Agent	Robert Doar, Director, Office of Child Support Enforcement P.O. Box 14, One Commerce Plaza Albany, New York 12260 , phone: (518) 474-9081; fax: (518) 486-3127; Internet: Robert.Doar@dss.mailnet.state.ny.us
Central Registry	<p>Interstate Central Registry, Office of Child Support Enforcement, P.O. Box 125 Albany, New York 12260; phone: (518) 474-9092; fax: (518) 486-3127</p> <p>After a case has been forwarded to a local agency or court for action, ALL requests for case status, additional case information, etc. should be directed to the local agency or court in accordance with instructions provided to the initiating jurisdiction on the Child Support Transmittal Acknowledgment Page.</p> <p>Inquiries to the Interstate Central Registry should be limited to instances where direct contact between the initiating jurisdiction and the agency or court working the case is ineffective or impossible. Any such inquiries should provide all available case and individual identifiers (e.g., New York State case number, court docket number, petitioner/respondent names, SSNs, etc.) to expedite processing.</p> <p>Under no circumstances should case information or correspondence related to a case outgoing from New York State be directed by a responding jurisdiction to the Interstate Central Registry. All such communications should be sent directly to the initiating local agency.</p>
Interstate Policy Contact (if different)	See State Information Agent
Contact for Information Regarding Your States Long Arm Statute and Process	Contact State Information Agent
Contact for Information Regarding Collection and Distribution (State level)	Contact State Information Agent
Contact to Obtain Payment Records	Contact appropriate local district
Contact to Obtain Copy of Order	Contact appropriate local district
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction	
<ul style="list-style-type: none"> Service of Process <p>(private process server? If so , list)</p>	Contact appropriate local district
<ul style="list-style-type: none"> Genetic Testing <p>(e.g. assistance with interstate teleconferencing)</p>	Contact appropriate local district

New Hire Reporting Contact	Contact State Information Agent
Employer Assistance Contact	Contact State Information Agent
Telephone Number for Automated Interstate Case <i>Status</i> Requests (if any)	None available
Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any)	None available
Privatization Contact	None available